IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 13768 of 2006(L)

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PETITIONER:

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THUSHARA N.UNNI, D/O.R.UNNIYAPPAN,
AGED 26 YEARS, THUSHARAM, NAVRAPOTTA,
KOLLENGODE P.O. PALAKKAD.

BY ADV. SRI.BIJU M.JOHN
SRI.S.KRISHNA PRASAD (AYALUR)

RESPONDENTS:

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1. THE MANAGER,
PERUMAL KOVIL DEVASWOM U.P.SCHOOL,
KOLLENGODE P.O. PALAKKAD.

2. THE A.E.O,
KOLLENGODE, PALAKKAD.

BY SR. GOVT PLEADER SMT. M.R. SREELATHA
ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.13768/06

## APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE APPOINTMENT ORDER DT. 2.7.97.

EXT.P2. COPY OF THE RELIEVING LETTER DT. 11.9.97 ISSUED BY THE 1ST RESPONDENT

EXT.P3. COPY OF THE REPRESENTATION DT. 13.1.06

EXT.P4. COPY OF THE REPRESENTATION DT. 7.4.07

/TRUE COPY/

PA TO JUDGE.

**A.K. BASHEER, J.**

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**W.P.(C). NO. 13768 OF 2006**

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Dated this the 22nd day of June, 2007

**J U D G M E N T**

Petitioner has preferred this writ petition seeking appointment as a teacher in the school under the management of respondent No.1 as though she is entitled to get the benefit of Rule 51 A Chapter XIV KER. She prays for a direction to respondent No.1, the manager of the school, to give her appointment in the vacancy which had allegedly arisen on June 1, 2006. Petitioner has raised a further contention that the manager was not justified in refusing to consider Exts. P3 & P4 representations submitted by her in this regard.

2. When this writ petition came up for consideration on May 31, 2006, this Court had passed an interim order interdicting the manager from making any appointment against the vacancy which arose on June 1, 2006. The interim order is in force even today.

3. When this writ petition came up for further consideration today, learned counsel submits that petitioner will be satisfied if a direction is issued to the manager to take a decision on Exts.P3 & P4 expeditiously.

4. Learned counsel for the manager however takes strong exception to grant of even the above relief to the petitioner. It is pointed out by him that the petitioner cannot by any stretch of imagination be termed as a Rule 51 A claimant. Even according to the petitioner the vacancy had arisen in the school on June 1, 2006. If that be so, it was after the amendment incorporated in Rule 51 A with effect from April 27, 2005. It is the contention of the Manager that since the petitioner had worked for a short period in a vacancy that had arisen prior to the amendment, she would not get the benefit of Rule 51 A .

5. Per contra, it is pointed out by the learned counsel for the petitioner that the order issued by the Government (GO (P) 31/2006/GE dated 19.1.06) and the circular dated 31.4.2006 will nullify the contention raised by the manager. Anyhow, in view of the limited prayer made by the learned counsel for the petitioner at the Bar it may not be necessary to deal with the above issue at this stage.

Therefore, the writ petition is disposed of with a direction to respondent No.1 to take a decision on Exts.P3 & P4 representations in accordance with law keeping in view the above order and circular

issued by the Government, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. The manager shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken. Petitioner shall produce the relevant order and circular issued by the Government before Respondent No.1 along with a certified copy of the judgment. The interim order passed by this court shall remain in force till a final decision is taken in the matter as directed above.

**A.K. BASHEER, JUDGE**

vps

**A.K. BASHEER, JUDGE**

**OP NO.20954/00**

**JUDGMENT**

**1ST MARCH, 2007**